

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CONRAD E ROSE,

Plaintiff,

vs.

APPLEBEE'S RESTAURANTS LLC,
APPLEBEE'S RESTAURANTS WEST
LLC, APPLEBEE'S FRANCHISOR LLC,
MAPLE JOINT VENTURE, and J.S.
VENTURES, INC.,

Defendants.

8:19CV311

ORDER

This matter is before the court upon the notice of death of Conrad E. Rose. (Filing No. 89). In accordance with Fed. R. Civ. P. 25(a)(1), decedent's successor or representative, or any party, must move for substitution of the deceased party within 90 days after the suggestion of death is filed. The notice of death was filed on February 24, 2021. Upon the suggestion of Plaintiff's death (Filing No. 89),

IT IS ORDERED:

- 1) This case is stayed until May 25, 2021, pending a determination of whether the decedent's claims will be revived and further litigated by Plaintiff's estate.
- 2) On or before May 25, 2021, Plaintiff's counsel shall either: 1) move to voluntarily dismiss this case; 2) file a motion to substitute Plaintiff's estate or personal representative as the named Plaintiff in this action; or, 3) file a report advising the court as to whether Plaintiff's estate intends to further litigate this action and the current status of any court proceedings (state or bankruptcy) underway that may impact the progression of this case.
- 3) Absent timely compliance with this order, the claims filed by decedent may be subject to dismissal pursuant to Fed. R. Civ. P. 25(a)(1).

- 4) A status conference will be held with the undersigned magistrate judge on **May 27, 2021** at **10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.

Dated this 24th day of February, 2021.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge